

MINUTE OF A MEETING OF THE MEMBERS OF THE SCOTTISH LEGAL COMPLAINTS COMMISSION: 10AM ON MONDAY 24TH NOVEMBER 2008
At the offices of SHEPHERD AND WEDDERBURN, 1 Exchange Crescent, Conference Square, Edinburgh, EH3 8UL

PRESENT:

LAY:

Jane Irvine (Chairing Member)
Linda Pollock
Dougie Watson
Ian Gordon

LAWYER:

David Chaplin
Margaret Scanlan
David Smith
Alan Paterson

APOLOGIES: George Irving
Sam Hudson

In attendance: Eileen Masterman (CEO)
Rosemary Agnew (HoI)
Doreen Graham (HoC)

Abbreviations used:

LSS Law Society of Scotland
FoA Faculty of Advocates
SG Scottish Government

1. APOLOGIES

Apologies were noted from George Irving. As there was a lay member absent, for voting purposes it was agreed that the Chairing member may vote twice if voting were required.

2. CONFLICTS OF INTEREST

Conflicts of interest were declared for all Members in respect of Item 4 on Member Expenses. David Smith worked in Shepherd and Wedderburn.

3. MINUTES AND MATTERS ARISING FROM MINUTES OF 10.11.08

It was noted that the action list, Board decisions register and outstanding items list are being revised to reduce duplication, and to enable the Chair and CEO to plan future Board agendas. A minor grammatical change was made to item 8.2 and it was noted that it was in not the 25 September Board minutes that referred to a 'consumer' strategy. It was also requested that the accountancy arrangements be specified at 10.7.

3.1 Matters Arising

- 3.1.1 [information withheld under the terms of FOISA and/or DPA] is available to lead the strategic planning day on 26th January 2009. This may involve all staff.

3.1.2 Members can now use their laptops in the SLCC Board Room.

3.1.3 To appoint another Board Member via OCPAS takes 6-8 months, and costs £20,000-£30,000. It has been agreed with the Scottish Government that we will review in six months, and a further recruitment round will be progressed as at that time the SLCC may have a cast iron business case to support the need for another lay member.

4. MEMBER EXPENSES

4.1 The HR Manager reported that payment of expenses will take place normally on 27th of the month. If this is a weekend, then the day moves forward. To ensure payment for Christmas, the November expenses are to be submitted by 3rd December. Normal deadline date for member expense claims is submission by 14th of each month.

4.2 The CEO reported that the allowance previously discussed will not now be paid. Members should instead claim expenses in the normal way. The CEO will produce a guidance paper for members in December 2008.

ACTION: CEO/HR Mgr

4.3 The paper previously produced on home working would be circulated to all members.

ACTION: SH

5. OVERSIGHT OF GUARANTEE FUND AND MASTER POLICY

5.1 There was wide discussion of a paper and proposal from the CEO, to undertake research on the above: the use of an external research team versus a professional expert, the proposed costs, what could be done in-house; the expectation of politicians/public viz a viz the SLCC's oversight role and the role of the Board in reaching conclusions about effectiveness of the policies.

5.2 It was agreed:

5.2.1 The CEO will put together a background paper to form the basis of the specification document for the research tender. This document will be based on the previous paper circulated on the topic. This will be re-circulated to members.

5.2.2 There will be early consideration of using the SLCC website to help with this research and saying we intend to do further research on the Guarantee Fund and the Master Policy.

5.2.3 The HoI and HoC will consider sending out a request for views along with complaint forms that are being sent out regularly by the SLCC.

- 5.2.4 AP will lead a steering group to assist in the planning and monitoring of the research project, including the procurement exercise with the Scottish Government.
- 5.2.5 Any research will focus on effectiveness of the policies and comparison with other provisions made by other professional bodies. A degree of expertise would assist in this either from within existing SLCC staff/members or to be purchased externally.
- 5.2.6 A revised paper will come to the next Board meeting, with information about updated timescales and what will be on the website.

ACTION: CEO/AP/LP/DG

6. COMPLAINTS UPDATE

The HoI verbally updated Members and the main points to note were:

- 6.1 Since opening there have been 839 enquiries, 701 have been closed.
 - 6.2 The average time to deal with and close an enquiry is 5.5 days.
 - 6.3 Eligibility decisions are taking 15 days.
 - 6.4 186 queries have gone to the LSS (This is an indication of future work).
 - 6.5 There have been a lot of premature complaints and the HoI has spoken to the Law Society who are going to send a letter to practitioners.
 - 6.6 Detailed matters of process handling are being collected to be discussed further with the Rules and Process Advisory Committee meeting.
 - 6.7 There remain 2 FOI requests.
 - 6.8 There have been 398 general enquiries about the role of the SLCC.
 - 6.9 152 complaint forms were issued in October and 127 returned (79% return rate). In November: 76 were issued, and 60 sent back. The high return rates indicate that the SLCC complaint form is seen as user-friendly.
 - 6.10 More complaint forms were requested in November from the SLCC website.
 - 6.11 It was noted that the CEO is working on a policy on dealing with complaints about SLCC staff.
- ACTION: CEO/HOI
- 6.12 It was also noted that the HOI is actioning items 6.2.2 and 6.2.3, 10th November minutes.
 - 6.13 The HOI confirmed that training is progressing for the case investigators and a training needs analysis is being done in relation to IT. Future IT training will be done jointly with members and staff. There will also be early joint training in FOI and Data protection and in dealing with people. Dates still to be confirmed.

- 6.14 The HOI had in a written report for the Board, asked what regular statistical information Members would like to receive? Brief discussion ensued. It was acknowledged that the nature of the report will vary as the organisation becomes fully functioning. At the moment, Members would like to receive a summary sheet to indicate, the nature of queries and complaints being received, over time, and the impact of these on workload. Members would also like specific problems being experienced to be highlighted and to be notified of any serious complaints about the SLCC or its staff.
- 6.15 In her written paper, the HOI asked the Board to confirm the agreed process within the SLCC for dealing with cases where there are conflicts of interest. The process outlined in her paper was agreed. It was also agreed that powers to enter into reciprocal arrangements with third parties would be added to the list of desired adjustments to the Act.

ACTION: HOI

7. OVERSIGHT OF CONDUCT COMPLAINTS

- 7.1 Members had previously received a paper from the HOI.
- 7.2. Members commented that the paper was very comprehensive and thorough.
- 7.3. It was noted that the proposal for the SLCC to take a pro-active stance to improve practice was welcomed. Future guidance on good practice could be produced by the SLCC. Road shows and conferences for practitioners and client relations partners are being planned.
- 7.4 The importance of linking in with other regulators was noted.
- 7.5 All the questions raised in the paper were agreed.
- 7.6. It was also agreed that the HOI would revise the paper to reflect the fact that mediation participants' may have views on conduct matters.

ACTION: HOI

8. COMMUNICATIONS UPDATE

The Board had received an update paper in advance of the meeting.

The CEO stated that a robust program of work is being progressed, and the HoC raised the following points:

- 8.1 She is working on a revised Communications Strategy which will be available to members in January for discussion at the meeting 16th February 2009. This will take account of the issues raised at the previous Board meeting.
- 8.2 The HoC's update report summarised action being undertaken in line with the Communications Strategy approved by the Board on 22nd September 2008. She stated that this was produced largely for the set-up phase of the SLCC.

- 8.3 There is to be a debate chaired by Jennifer Veitch in the Scotsman Office, this evening; the Chairing member is on the panel and the HoC will be present.
- 8.4 No adverse publicity of note, for the SLCC, and the HoC tabled a folder of recent press coverage for Members' information.
- 8.5 The HoC circulated to each Member, a 'house style guide' for the organisation. This is designed to ensure written materials are presented in a consistent way, and therefore the SLCC will present a consistent image to external customers.
- 8.6 The HoC also circulated a leaflet summarising Board contact details. This information will be restricted to members and the senior management team.

ACTION: DG

9. STAFF GOVERNANCE & REMUNERATION ADVISORY COMMITTEE UPDATE

- 9.1 The SGAR Chair verbally updated the Board on the most recent meeting. No issues require Board approvals, and many matters discussed are ongoing on e.g. harmonisation, and HR policies. The following were highlighted to the Members:
 - 9.1.1 A revised organisation chart is being finalised by the CEO.
 - 9.1.2 The HR Manager has delivered staff training on Health and Safety (location of exits, fire drill) and is taking some matters forward about the building, with the landlord.
 - 9.1.3 Members will receive Health and Safety and Fire Training in due course.
 - 9.1.4 Two named individuals have been nominated by staff to take forward the harmonisation. This work has been delayed as the SLCC is still awaiting information from the Government Actuary Department (GAD) to give assurance to one group of staff that the arrangements being set up are comparable to the historical situation.
 - 9.1.5 The HR Manager intimated that payslips will be sent out, on request to members and if there are any issues arising to contact her. SGAR Minutes will be available in due course to Board Members.

ACTION: IG/SGAR

- 9.2 The Chair of SLCC and SGAR, the CEO and AL, met with the Scottish Government on 21st November to discuss the pay policy for senior staff, documentation and deadline dates for approving appraisals, and for the SLCC receiving information about the CEO salary uplifts. Some concern was noted about parity of pay setting systems, but it was agreed that April every year would be the target date for senior management appraisals.

ACTION: IG/SGAR

- 9.3 It was noted that the SLCC will have to have an annual planning cycle for business: target dates for actions arising from the Act e.g. draft budget, consultation documents, the production of the draft annual report, etc. Annual appraisal and remuneration committee deliberations will need to be factored into the planning cycle. This may be agreed in December when the CEO presents her business plan, or else the CEO will produce a separate outline of this annual planning cycle to be discussed at the meeting of 16th February 2008.

ACTION: CEO/JI

- 9.4.1 Members noted that external training delivered to SLCC has to have ministerial approval. CEO confirmed that the Scottish Government has approved all training by Shepherd and Wedderburn both initial and ongoing for conduct oversight. It was agreed that the issue of training costs and approvals would be discussed further in the Audit and Finance Advisory Committee meeting.

ACTION: GI/AFAC

10. AUDIT & FINANCE ADVISORY COMMITTEE UPDATE

David Chaplin raised various issues on behalf of the AFAC Chair:

- 10.1 The Minutes of AFAC for 3rd and 13th November had been sent to members and were agreed. Monthly financial accounts will be with AFAC in December. The SLCC budget is currently being built up and will be available for Board approval on the 8th December, and thus ready for consultation in January.
- 10.2 The Members are satisfied that there is no conflict of interest and SLAB are to be appointed as the auditor of choice for the SLCC. The three year agreement, previously circulated to the Board, was agreed by Members.
- 10.3 The Strategic Internal Audit Plan for the SLCC was approved with the proviso that the period chosen must be revised to reflect the SLCC's financial year, and the fact that the organisation was only set up in October 2008.
- 10.4 To minimise risk, Members agreed that the SLCC funds would be deposited equally in three banks - until a treasury Management Policy is established for the organisation.
- 10.5 Members agreed to authorise the AFAC to publish responses on the budget consultation by 31st March, and to receive the final budget proposal at Board level, on 23rd March. This will allow the budget to be laid before parliament before 30th April 2009, as required by statute.
- 10.6 It was noted instructions to AS will be via the CEO or HOI save with Board approval for the Chair.
- 10.7 Members agreed that the CEO and Office Manager are issued with SLCC credit cards, and that a policy is drawn up for use of these.

ACTION: CHAIR/AFAC

[information withheld under the terms of FOISA and/or DPA]

13. ANY OTHER BUSINESS

S&W Training on Procedural Fairness and Natural Justice followed on from the Board meeting for all attendees, save the HR Manager.

12. NEXT MEETING

The next Board Meeting will be held on Monday, 8th December at the Stamp Office 10 – 14 Waterloo Place, Edinburgh, EH1 3EG.